

REMARKS

Claims 1-10 are provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-9 of copending
5 Application No. 09/683,962 (published as US 2003/0063433 A1, and hereinafter referred to '962).

1. Rejection of claims 1-10:

A terminal disclaimer is filed along with this response to the above-indicated
10 Office action. The instant application is invented by the same inventor as the '962 application, and is also assigned to the same assignee.

The present invention according to claim 1 teaches that the button 608 can be
15 pushed mechanically to rotate the drive carrier 206 away from the chassis module 204 to expose the disk drive 208 from the rear side. The disk drive 208 remains within the drive carrier 206, and the user is able to change an optical disk in the disk drive 208.

When the applicant's button 608 is pushed, "the rod 608a will compress the
20 protruded piece 252a, and the engaging unit 252 will push the connecting unit 256 so that the fastening unit 254 will separate from the switch hook 213. The drive carrier 206 and the disk drive 208 will swing away from the chassis module 204 to cause the optical disk drive module 202 to be in an open state", which is stated in paragraph 36 of the instant application. As clearly stated in claims 1 and 7 of the instant application, the disk drive 208 will "swing away" once the button 608 is pushed and triggers the
25 unlocking mechanism.

On the other hand, Mitchell et al. disclose "a knob 41 which is both rotatable
and translatable inwardly of base housing 14 in the manner described below to
enable the removable disk drive 20 to be partially ejected from the portable
30 computer 10" (column 4, lines 50-54).

Furthermore, Mitchell et al. also state "Knob 41 also facilitates manual

translation of shaft 42 inwardly of the computer to release the disk drive 20 for withdrawal in the manner described below. Shaft 42 is biased both axially outwardly of computer 10 and angularly counter clockwise (as viewed in FIG. 2) by a single spring 46 which is secured at one end to journal 45 and at the other
5 end to shaft 42" (column 5, lines 45-52).

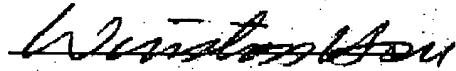
Finally, "A resilient stop 139 is provided to limit motion of member 135 in the counter clockwise direction. Member 135 is arranged such that inward motion of shaft 42 causes the member 135 to pivot about post 136 and apply a mechanical
10 force to inner wall 22 of disk drive 20 via end 138. This force results in a partial ejection of the disk drive from the computer base housing" (column 7, lines 36-42).

From the descriptions above, it is clear that the present invention according to
15 claims 1 and 7 is patentably distinct from Mitchell et al. The present invention teaches the button 608 being pushed to trigger the disk drive 208 to swings away from the chassis module 204, and lead to easy access for user. On another hand, Mitchell et al. teach a pivotable member 135 acting a pusher that pushes the disk drive 20 out of its compartment.

20 Applicant's invention takes the advantage of gravitational force, which causes the optical disk drive module 202 to drop to its position under LCD module once the switch hook 213 is released. Mitchell et al. take advantage of mechanical force of a pivotable member 135, triggered by turning the knob 41, to push out the disk drive 20
25 out. Mitchell et al. do not teach or suggest that their disk drive ejector mechanism should be modified in a manner required to anticipate the present invention according to claims 1 and 7.

In light of the terminal disclaimer being filed and the above argument,
30 reconsideration of claims 1-10 is politely requested.

Sincerely yours,



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communication and I will return your call promptly.)